



Notice of
Availability of Draft Documents,
Public Comment Period,
Public Workshop, and Public Hearing



For the

Klamath River Total Maximum Daily Loads Addressing Temperature,
Dissolved Oxygen, Nutrient, and Microcystin Impairments,
Klamath River Site Specific Dissolved Oxygen Objective, and
Klamath River TMDL Action Plan and Lost River Implementation Plan

December 23, 2009

Purpose of Notice

Notice is hereby given that the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) and United States Environmental Protection Agency (EPA) Region 9 are making the following documents available for public review and comment: 1) the *Staff Report for the Klamath River Total Maximum Daily Loads (TMDLs) Addressing Temperature, Dissolved Oxygen, Nutrient, and Microcystin Impairments in California*, 2) the *Klamath River Site Specific Dissolved Oxygen Objective*, 3) the *Klamath River and Lost River Implementation Plans*, and 4) the *Klamath River TMDL Action Plan and Lost River Implementation Plan*; together these documents are referred to as the "December 2009 Public Review Drafts". Written comments for this joint Regional Water Board and EPA Region 9 public comment period should be submitted to the Regional Water Board, as described below, by February 9, 2009. After the public comment period, the Regional Water Board staff will make any necessary revisions and propose the *Klamath River TMDL Action Plan and Lost River Implementation Plan* and the *Klamath River Site Specific Dissolved Oxygen Objective* to the Regional Water Board as amendments to the *Water Quality Control Plan for the North Coast Region* (Basin Plan).

The Regional Water Board has been working collaboratively with EPA Regions 9 and 10, and Oregon Department of Environmental Quality (ODEQ) on the development of coordinated TMDLs for the Oregon and California portions of the Klamath River and the Lost River. Nutrient and temperature TMDLs for the Klamath River, from the Oregon border to the Pacific Ocean, are to be established by December 31, 2010 in accordance with the consent decree *Pacific Coast Federation of Fishermen's Associations, et al. v. Marcus* (No. 95-4474 MHP, 11 March 1997), amended in December 2007 (*Notice of Agreement to Modify Schedule for Establishment of Total Maximum Daily Loads* (filed in U.S. District Court for the Northern District of California)).

Should the nutrient and temperature TMDLs for the California Klamath River mainstem not be adopted by California in time to be approved by EPA Region 9 by December 31, 2010, EPA Region 9 would be required to establish federal TMDLs for the Klamath River by that date. EPA would not establish any implementation plan for these federal TMDLs, in that implementation plans are solely the responsibility of the state. To address the potential need for EPA to establish federal TMDLs for the Klamath River,

EPA is jointly issuing this notice to solicit public comment on the December 2009 Public Review Draft and to announce the public workshop and public hearing.

Overview of the December 2009 Public Review Drafts

The December 2009 Public Review Drafts include revisions resulting from written and oral public comments received on the previous June 2009 Public Review Draft documents. Revisions have been made to each component of the December 2009 Public Review Drafts, including the Klamath River TMDL allocations and targets, the *Klamath River site specific dissolved oxygen objective*, and the *Klamath River TMDL Action Plan and Lost River Implementation Plan*. The Summary of Public Review Draft Revisions, included in the Staff Report, summarizes the scope and the content of these revisions.

Availability of the December 2009 Public Review Drafts

The complete December 2009 Public Review Drafts are available for review starting December 23, 2009. Copies of the December 2009 Public Review Drafts will be available at the following Regional Water Board and EPA web sites:

<http://www.waterboards.ca.gov/northcoast/>

and

<http://www.epa.gov/region09/water/tmdl/progress.html>

Please contact Ben Zabinsky at 707-576-6750 or bzabinsky@waterboards.ca.gov if you have any problems accessing the documents via the websites.

Additionally, copies will be made available at 7 libraries through the North Coast Region including the following locations:

Humboldt County Library
1313 3rd Street
Eureka, CA 95501

Yreka Branch Library
719 4th Street
Yreka, CA 96097

Tulelake Branch Library
451 Main St.
Tulelake, CA 96134

Solicitation of Comments on the December 2009 Public Review Drafts

The public comment period will start December 23, 2009, and continue for a period of 47 days. Written comments are due *no later than 5:00 PM on Tuesday February 9, 2010*. Revisions are shown in ~~strikeout~~ and underline text, except for Chapters 6 and 9 and Appendices 1, 6, and 7 of the *Staff Report* and the *Klamath River TMDL Action Plan and Lost River Implementation Plan*. The revisions to these sections could not be highlighted in a readable format and are therefore presented as clean, rewritten text. The Regional Water Board and EPA are soliciting comments on the revised text and substantive changes only. **Previously submitted comments need not be resubmitted.**

This notice is being provided pursuant to state and federal regulation. See Cal. Code Regs., tit. 14, §15087, 15105; Wat. Code, § 13244; Gov. Code, §11125; 11125.9 and 40 CFR § 130.7(d)(2). Notice is also provided in newspapers of general circulation pursuant to Government Code sections 6061 and 6061.3.

Please address and submit written comments to Catherine Kuhlman, Executive Officer, by February 9, 2010, via U.S. Postal Service, email, fax, or delivery, to the following address:

North Coast Regional Water Quality Control Board
c/o Katharine Carter
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403
phone: 707-576-2290
fax: 707-523-0135
e-mail: kcarter@waterboards.ca.gov

Regional Water Board Workshop

Regional Water Board staff will host a public workshop to present the revised TMDL implementation plan and receive oral comments. The workshop will be held at the following date, time, and location:

January 27, 2010 10:00 AM
Holiday Inn Express
707 Montague Road
Yreka, CA 96097

Public Hearing

After the close of the written public comment period on February 9, 2010, Regional Water Board and EPA staff will review the comments received on the December 2009 Public Review Drafts. In addition, Regional Water Board staff will consider the oral comments presented at the January 27, 2010 Board Workshop. Staff responses to the comments received on both the June 2009 and December 2009 Public Review Drafts, as well as any proposed changes to the December 2009 Public Review Drafts, will be available from the Regional Water Board prior to the Regional Water Board hearing considering approval of these documents.

The *Klamath River TMDL Action Plan and Lost River Implementation Plan*, and the *Klamath River Site Specific Dissolved Oxygen Objective* will be presented for Regional Water Board approval on:

March 24-25, 2010
Yurok Tribal Headquarters
190 Klamath Boulevard
Klamath, CA 95548

Information about this Regional Water Board hearing will be issued in February 2010 at:
www.waterboards.ca.gov/northcoast/board_info/board_meetings/

March 24-25, 2010 Public Hearing Procedures

Written comments received after the public comment period (after 5:00 p.m. on February 9, 2010) will not be accepted, except at the discretion of the Regional Water Board Chair. All those who plan to testify at the Public Hearing are encouraged to submit written statements during the public comment period. Testimony at the Public Hearing may summarize or explain timely submitted or late-accepted written evidence, but new evidence shall not be added. Non-evidentiary policy statements to be made during the Public Hearing need not be submitted in advance. Depending on the number of people wishing to speak at the Public Hearing, the Regional Water Board Chair may set time constraints for oral testimony or comments. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Accessibility

Anyone requiring reasonable accommodation to participate in the public meetings should contact Jean Lockett, Executive Assistant, at 707-576-2307 at least five days prior to the scheduled meeting. The meeting locations are accessible to persons with disabilities. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Staff Contacts

If you have any questions on the Regional Water Board's Klamath River TMDL, please contact:

Matt St. John at 707-570-3762 or by email at mstjohn@waterboards.ca.gov.

Catherine Kuhlman
Executive Officer

December 23, 2009